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ABSTRACT

A discussion guide, one in a series on constitutional reform issues developed by The Jefferson Foundation as part of the Jefferson Meeting on the Constitution project, examines proposals to limit the President to a single 6-year term. The first section discusses the formative debate involved in the framing of the executive branch. The Presidential term and the Anti-Federalist response are also examined. The second section focuses on the continuing debate during the 19th century over the 6-year Presidency and discusses present reform issues and national interest. The third section examines reform packages during the 1900s and gives arguments for and against a single 6-year term. Also included is a brief legislative history (1826-1984) of the debate over the 6-year Presidential term. This document concludes with a listing of quotations contributed by historians and politicians reflecting on the 6-year Presidential term. (RSL)

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"SO GREAT A POWER TO ANY SINGLE PERSON"

The Presidential Term and Executive Power

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A Guide for Discussion of Proposals to Limit the President to a Single Six-Year Term

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"Article—

The term of office of the President and Vice-President of the United States shall be six years. No person shall be eligible for election for more than one term as President or Vice-President.

The founders created the President as the representative of the entire people, the one who would lead, protect, and uphold the American vision of its nationhood. The office has changed with the nation. In the last fifty years the executive branch has increased in size and stature beyond all initial expectation.

Modern attempts to reform the Presidency are responses to recent developments but they are not a new phenomenon. Hundreds of Constitutional amendments affecting the executive branch have been proposed since 1787. Of the few that have passed, the 22nd, limiting the President to two terms in office, has had the greatest impact and sparked the greatest controversy. The proposal to create a single term of six years is a closely related reform which has had supporters in every political generation since the one that produced the Constitution. With each renewal of interest in the single six-year term, the debate over principles formulated in the 18th century is revived in an evolving political environment.

THE FORMATIVE DEBATE

Framing The Executive Branch

The framers of the Constitution looked to history for guidance as they confronted the task of creating an executive body. The ancient republics and the recent colonial experience supplied more negative examples than positive. The British monarch and the very idea of unappointed hereditary power were completely contrary to the right of self-government symbolized in the revolutionary success. It was clear that extreme caution had to be exercised when investing any individual or body with executive powers, especially the power of the sword, control over foreign affairs and the ability to pardon and appoint officers of the government.

On the eve of the Philadelphia Convention, the agitators for a change in the Articles of Confederation felt they were in danger of heading right for the "dictatorship" they had just escaped. The existing federal government was strapped by its lack of power and vulnerable to corruption, insolvency, and foreign attack. The situation demanded the attention of the framers and attracted the attention of the whole world. In their minds, the failure of the American experiment would signal the failure of self-government itself.

> *It has been frequently remarked, that it seems to have been reserved to the people of this country, by their conduct and*

example, to decide the important question, whether societies of men are really capable or not, of establishing good government from reflection and choice or whether they are forever destined to depend, for their political constitutions, on accident and force. If there be any truth in the remark, the crisis, at which we are arrived, may with propriety be regarded as the era in which the decision is to be made; and a wrong election of the part we shall act, may, in this view, deserve to be considered as the general misfortune of mankind. (Federalist #1).

With the eyes of the world upon them and the fate of self-government in their hands, the founders were determined to avoid the mistakes of the past, to leave no room for the rise of an arbitrary despot.

The founders knew clearly what they *did not* want in an executive: neither a despot nor a figurehead, a puppet of foreign governments and an officer too weak to protect them from bad laws and schemes of the legislature. They faced a paradoxical problem: stability required a strong leader yet liberty could not be sacrificed. Few agreed on how both these demands should be met. "Publius," however, argued that strength did not have to threaten liberty; on the contrary, it was a necessary ingredient of sound republican government.

There is an idea, which is not without its advocates, that a vigorous executive is inconsistent with the genius of republican government. The enlightened well-wishers to this species of government must at least hope that the supposition is destitute of foundation; since they can never admit its truth, without at the same time admitting the condemnation of their own principles. Energy in the executive is a leading character in the definition of good government. It is essential to the protection of the community against foreign attacks. It is not less essential to the steady administration of the laws, to the protection of property against those irregular and high-handed combinations, which sometimes interrupt the ordinary course of justice, to the security of liberty against the enterprises and assaults of ambition, of faction, and of anarchy. (Federalist #70).

Could "good government" really be "free government" as well? "The true test of a good government is its aptitude and tendency to produce good administration", Publius said, and a good administration required an executive with the power to lead, the tools to manage, and sufficient time in office to become established. Benjamin Franklin emphasized a very different set of criteria for the executive of his "free government".

In free governments the rulers are the servants and the people their superiors and sovereigns. For the former therefore to return among the latter is not to degrade but promote them.

The American executive, to satisfy the demands of stability and those of liberty, would have to be both energetic enough to lead and humble enough to follow. The founders had set themselves quite a task.

The Presidential Term

The fear of creating too strong a central government was the major influence on the founders as they debated the presidential term. And yet the inability of their decentralized confederate system to protect their freedom was painfully apparent. They were steering between two extremes. Publius feared that "disgraceful and ruinous mutability in the administration of government" would be the result of short presidential terms and frequent changes in government. At the other extreme was the lesson of history, as William Grayson of Virginia said in declaring the proposed four-year Presidency dangerous.

> *Whence comes this extreme confidence, that we disregard the example of ancient and modern nations? We find that aristocracies never invested their officers with such immense powers. Rome had not only an aristocratical, but also a democratical branch; yet the consuls were in office only two years. This quadrennial power cannot be justified by ancient history. There is hardly an instance where a republic trusted its executive so long with much power; nor is it warranted by modern republics. The delegation of power is, in most of them, only for one year.*

A more positive example was set by the state governments, where short terms and limitations on eligibility were the rule. Most of the governors were appointed by the legislatures to one-year terms. New York had a three-year term, and along with Massachusetts provided for direct popular election of the governor. The proposals made at the Constitutional Convention mirrored the diversity found in the states.

- The Virginia Plan submitted by Edmund Randolph early in the convention proposed a President elected by the Congress with a single term of unspecified length. This plan was temporarily approved by the Convention, which followed George Mason's advice and decided on seven years for the term length.
- Citing success with similar models in New York and Massachusetts, James Wilson of Pennsylvania argued for direct popular election of the President with a three-year renewable term.
- The New Jersey plan offered a plural executive elected by Congress for an unspecified term and ineligible for a second term.
- Alexander Hamilton and others proposed an executive chosen for life or "during good behavior." Hamilton's proposal, the first he made to the Convention, took over six hours to present, and its major point was to demonstrate that the life

appointee would be a "safer depository of power" because he would have no "private emoluments" to tend and wouldn't have the anxiety of reelection as a temptation to usurp power.

Experience in the states also told the founders that the length of the President's term was inseparable from how and by whom the President was to be chosen. Terms and the electoral body were potential checks on the President, but they were also potential sources of power that had to be balanced against each other. The idea of providing a longer single presidential term was proposed when the President was to be chosen by the Congress. When the electoral college replaced the legislature as the electing body, the four-year renewable term was agreed upon. A four-year term was long enough to provide some strength and stability and short enough to make periodic renewal an effective check on power.

The Electoral College

As created by the Constitution, the electoral college was envisioned as an independent body of enlightened men who, acting as trustees for the people, would choose the executive best qualified to lead the country. It was a compromise between election by the legislature and direct popular election.

Every four years the states were to "appoint, in such manner as the Legislatures thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the state may be entitled in Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector."

On a single day determined by Congress, electors were to meet in their respective states to "vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate."

In 1804, the 12th amendment instructed electors to vote in separate ballots, one for President and one for Vice President. Beyond that, regulation of the college—how electors are chosen and by what criterion they cast votes—has been left up to the individual states.

Basis for Reeligibility

The founders believed that a single term restriction was necessary when the President was to be chosen by the Congress so that he would be independent of the legislative branch. The

legislative was the stronger of the two branches and would have too much power over the executive if he depended on it for reelection. The President was also supposed to protect the people from the "schemes and intrigues" that might arise in Congress; if looking to it for reelection, he might join in those schemes.

The electoral college lessened the threat of legislative domination and removed one major reason for limiting the Presidency to a single term. The college was also a safeguard against another danger of unlimited reeligibility—despotism. It could never be a forum for "cabal, intrigue, and corruption," those "deadly adversaries of republican government," because it was a temporary body that would never meet in a single place. An institution structured to retain its virtue would insure the regular election of virtuous executives, as Publius pointed out:

> *The process of election affords a moral certainty, that the office of President, will seldom fall to the lot of any man, who is not in eminent degree endowed with the requisite qualifications. Talents for low intrigue and the little arts of popularity may alone suffice to elevate a man to the first honors in a single state; but it will require other talents and a different kind of merit to establish him in the esteem and confidence of the whole union ... It will not be too strong to say, that there will be a constant probability of seeing the station filled by characters preeminent for ability and virtue.* (Federalist #68).

With the electoral college there was no need for the auxiliary precaution of limitation: virtue would prevail.

The Anti-Federalist Response

The Anti-Federalist reaction to the proposed Presidency was immediate and unfavorable. The sharpest criticism was aimed directly at unlimited reeligibility. By allowing for reelection the framers had omitted the most obvious check on power available to them:

> *You don't even put the same check on (the President) that you do on your own state governors; a man from and bred among you—a man over whom you have a continual and watchful eye—a man from the very nature of his situation, it is almost impossible can do you any injury; this man you say shall not be elected for more than four years and may be elected for years and years.* (South Carolina Daily Advertiser, February 1, 1788).

Publius argued that indefinite reelection was a source of stability; the longer an official, especially the President, served, the more he would identify his interests with the good of the office. But Anti-Federalists saw something very different, as George Mason pointed out at the Virginia ratifying convention: "The great fundamental principle of responsibility in republican-

ism is here sapped. The President is elected without rotation ... he will be continued in office for life."

Throughout the ratifying debates Anti-Federalists appealed to some of the most basic fears of their compatriots to point out the danger of the proposed charter. As George Mason continued his critique of the lack of a rotation provision, he played upon the ever-present anxiety over foreign invasion to paint a scenario of near destruction.

> *Will not the great powers of Europe, as France, and Great Britain, be interested in having a friend in the President of the United States? ... the powers of Europe will interpose, and we shall have a civil war in the bowels of our country, and be subject to all the horrors and calamities of an elective monarchy ...*

The electoral college was no protection against the foreign threat, as Federalists claimed it would be. Limitation was still necessary because the electors were just as liable to "intrigue" as the Congress and more vulnerable to foreign influence.

> *The electors, who are to meet in each state and vote for him, may be easily influenced. To prevent the certain evils of attempting to elect a new President, it will be necessary to continue the old one. The only way to alter this would be to render him ineligible after a certain number of years, and then no foreign nation would interfere to keep in a man who was so utterly ineligible.*

In a comparison that came up time and time again during the Constitutional debate, Mason warned the new nation against becoming another Poland, a government installed and maintained by foreign intrigue.

President or Monarch?

Perhaps no Anti-Federalist specter was more effective, however, than that of the monarchy. Again in direct opposition to Federalist logic that equated long tenure with "good government," Mason closed his argument against unrestricted eligibility with an appeal to the republican tenet of "free government": a republican leader must be one of the people.

> *Nothing is so essential to the preservation of a republic as a periodical rotation. Nothing so strongly impels a man to regard the interest of his constituents as the certainty of returning to the general mass of people, from whence he was taken, where he must participate their burdens ... Some stated time ought to be fixed when the President ought to be reduced to private station ... as it now stands he may continue in office for life; or, in other words, it will be an elective monarchy.*

The return of the king in the thin guise of a President was a

powerful and recurring theme in Anti-Federalist arguments against ratification. It was a theme that was present at the Philadelphia Convention, but the framers were satisfied that the electoral college and the separation of powers were sufficient safeguards against an American monarchy. As far as critics were concerned the lack of a term limitation provision made those checks useless. Publius' response to the Anti-Federalist prophecy reflects the near-hysteria their arguments created.

> *Here the writers seem to have taken pains to signalize their talent of misrepresentation, calculating upon the aversion of the people to monarchy, they have endeavored to enlist all their jealousies and apprehensions in opposition to the intended President of the United States; not merely as the embryo but as the full grown progeny of that detested parent. To establish the affinity they have not scrupled to draw resources even from the regions of fiction. The authorities of a magistrate, in few instances greater and in some instances less, than a Governor of New York, have been magnified into more than royal prerogatives. He has been decorated with attributes superior in dignity and splendor to those of a King of Great Britain. He has been shown to us with the diadem sparkling on his brow, and the imperial purple flowing in his train. He has been seated on a throne surrounded with minions and mistresses; giving audience to the envoys of foreign potentates, in all the supercilious pomp of majesty. The images of Asiatic despotism and voluptuousness have scarcely been wanting to crown the exaggerated scene. We have been almost taught to tremble at the terrific visages of murdering janizaries; and to blush at the unveiled mysteries of a future seraglio.* (Federalist #67).

Alexander Hamilton and the Monarchy

While Alexander Hamilton wrote some of the strongest arguments for the four-year term as Publius in the Federalist Papers, he did not entirely relinquish his conviction that a long—if not life—tenure was wisest for the executive. The charge that Hamilton was, at heart, a monarchist could be supported without much difficulty by citing his many favorable references to life tenure in the Federalist Papers. In Federalist #75, for example, he said

> *However proper or safe it may be in governments where the executive magistrate is an hereditary monarch, to commit to him the entire power of making treaties, it would be utterly unsafe and improper to entrust that power to an elective magistrate of four years duration. . . . an hereditary monarch, though often the oppressor of his people, has personally too much at stake in the government to be in any material danger of being corrupted by foreign powers. But a man raised from the station of a private citizen to the rank of chief magistrate, possessed of but a moderate or slender fortune, and looking forward to a period not very remote, when he may probably*

be obliged to return to the station from which he was taken, might sometimes be under temptations to sacrifice his duty to his interest, which it would require superlative virtue to withstand.

Hamilton's mistrust of the ordinary citizen's ability to withstand temptation was not the only reason for his support of life tenure. If he had to accept periodic elections, he would never accept a restriction on perpetual reeligibility, because

> *Would it promote the peace of the community, or the stability of the government, to have half a dozen men who had had credit enough to be raised to the seat of the supreme magistracy, wandering among the people like discontented ghosts and sighing for a place which they were destined never more to possess?* (Federalist #72)

Despite the fact that Hamilton was not the only one to favor a life term for Presidents, the ghost of monarchism was to haunt him for the rest of his political career.

Accountability to the People

The relentless Anti-Federalist attack on the Presidency served a constructive purpose: it added a new dimension to the conception of the Presidency in the republic. While the members of the Philadelphia Convention had not ignored the idea of reelection as a way of keeping the President accountable to the people, they were more concerned about his independence from the legislature. Frequent elections and accountability were notions applied to the House of Representatives, the branch of the people. But in the public debate over the Constitution proposed by the framers, it became clear that the people would not trust a leader who was too independent.

> *. . . I would ask (considering how prone mankind are to engross power, and then to abuse it) is it not probable, at least possible, that the president who is to be invested with all this demi-omnipotence—who is not chosen by the community; and who, consequently, as to them, is irresponsible and independent—that he, I say, by a few artful and dependent emissaries in Congress, may not only perpetuate his own personal administration, but also make it hereditary?* (Kentucky Gazeteer, March 1, 1788).

The idea of the President being directly accountable to his constituents through elections began to take stronger hold in the Anti-Federalist camp. Governor Randolph of Virginia originally supported term limitation because he believed reelection would

tempt the executive to scheme. By the time the issue came up in Virginia's ratifying convention he had changed his mind. Reelection was a positive influence, Randolph said, because it

> *renders [the President] more independent in his place, and more solicitous of promoting the interest of his constituents; for, unless you put it in his power to be reelected, instead of being attentive to their interests, he will lean to the augmentation of his private emoluments.*

Accountability directly to the people has become a more integral part of the American system since the 1780's. The early debates over presidential term and reeligibility marked the beginning of the evolution of the Presidency into an office of the people. Political parties, strengthened by the increase in eligible voters, became the bodies that discerned and refined the choice of the executive. The virtue of the electoral college, which had originally been based on its reputation as a detached body of wise men, became dependent on its ability to reflect the will of the people. The presidential election itself has become an important opportunity to answer the people's questions and gain the popular mandate. The executive has truly become a branch with its roots in the people.

But change should not obscure a good deal of continuity, especially in the republican concern that keeps Americans ever watchful of their political institutions and fearful of the dangers they might create. What is our fear of an "imperial presidency" if not an acknowledgement that the "monarchical"—or dictatorial—threat still lives as a check against giving the President too much power? The problem faced by the founders resurfaces with every discussion of the presidential term: how can "energy" and "safety" in the executive be combined.

> *The ingredients, which constitute energy in the executive, are first unity, second duration, thirdly an adequate provision for its support, fourthly, competent powers. The circumstances which constitute safety in the republican sense are first a due dependence on the people, secondly a due responsibility* (Federalist #70).

QUESTIONS FOR DISCUSSION

- Does the need for "energy" and efficiency in the Executive branch conflict with the republican concern for "safety" and accountability? How did the founders balance these considerations and does their balance work today?

- Were the founders correct in assuming that in a republic the representative would be the more naturally powerful branch? Has their fear of "cabal, intrigue, and corruption" between the legislative and executive branches been justified?

- What is the function of reelection in the system today? Is it an instrument of accountability or merely an outlet for presidential ambitions?

- Does the two-term limitation on Presidents protect the people from a "self-perpetuating" leader or does it infringe upon their right to choose?

- How has our ideal of a President changed in 200 years? Is it more important for a President to be a detached and efficient administrator or to be truly one of the people? How many Presidents have been both?

- Are the demands on Presidents today greater than they were in the early republic? How has the office grown?

THE DEBATE CONTINUES

It was with a decisive air that Publius pronounced in Federalist #72 that

> *There is an excess of refinement in the idea of disabling the people to continue in office men, who had entitled themselves, in their opinion, to approbation and confidence, the advantages of which are at best speculative and equivocal; and are overbalanced by disadvantages far more certain and decisive.*

And yet his was far from the final word on the subject of presidential terms. Ratifying conventions in New York, where the Federalist Papers first appeared, and in North Carolina called for an amendment to limit the President to one term even as they gave their approval to the Constitution. These were the first in a steady stream of proposals to change presidential tenure. By far the most popular and frequently proposed has been the single six-year term, which continues to have its proponents today.

"The Desire to be Reelected"

As the American style of popular politics began to take shape in the 19th century a new specter appeared in the comments of observers such as Alexis deTocqueville: the specter of the demagogue, who intrigued for power not by scheming with Congress, as the founders suspected, but by courting popular favor. To this French visitor, writing in the 1840's

> *... it is impossible to consider any course of affairs in the United States without perceiving that the desire to be reelected dominates the thought of the president; that all the policies of his administration tend to this point; and that his least movements are subordinated to this object ...*

The danger of ineligibility was nothing compared to the danger reelection posed.

> *If reeligible (and this is especially true at the present day, when political morality is relaxed and when great men are rare), the president of the United States becomes an easy tool in the hands of the majority. He adopts its likings and its animosities, he anticipates its wishes, he forestalls its complaints, he yields to its idlest cravings, and instead of guiding it, as the legislature intended that he should do, he merely follows its bidding. Thus, in order not to deprive the state of the talents of an individual, those talents have been rendered almost useless; and to retain an expedient for extraordinary perils, the country has been exposed to continual dangers.*

A similar awareness of this desire for reelection led President Andrew Jackson to "earnestly invite" consideration of a single term limitation in every one of his eight annual addresses. Re-

moval of the temptation to be reelected would save the country from the whims of mere popular favor and, Jackson seemed to be saying, save Presidents from their own ambitions.

The People's Choice?

The proposal of a single six-year term continued to be part of 19th-century attempts to promote "good government" by preserving the Presidency from the schemes of politicians courting popular favor. There was a notable shift in the support for the reform during the late 19th and early 20th centuries, when it became a Progressive cause and gained a decidedly more populist ring. The schemers against the national interest were not the popular politicians but the monied interests and big corporations. The Presidency was going to the highest bidder, and the highest bidder was inevitably the incumbent, as Senator Works of California said when he introduced a single six-year term bill in 1912.

> *... under the present provisions of the constitution, the people do not freely choose their presidents, but are prevented from doing so in great part by the conditions that enable a candidate for a second term to manipulate caucuses and conventions to subvert the will of the people and elect a candidate that the people do not want in spite of them ...*

Senator Works' bill gained considerable public attention and, after a year-long debate, passed the Senate in 1913. Prospects for passage in the House looked good until President Woodrow Wilson, who had won on the 1912 Democratic platform that called for the single six-year term, threw his weight against it to preserve his reelection options in 1916. While he cited numerous reasons for opposing the reform, one point in particular turned the "protection of the people" argument on its head. First, he argued, the President was the one who needed protection and second, it would be anti-democratic to take away the people's right to vote for the person of their choice.

> *If you wish to learn the result of Constitutional ineligibility to reelection, ask any former governor of New Jersey, for example, what the effect is in actual experience. He will tell you how cynically and with what complacence the politicians banded against him waited for the inevitable end of his term to take their chances with his successor ... We singularly bely our own principles by seeking to determine by fixed Constitutional provision what the people shall determine for themselves. We cast a doubt upon the whole theory of popular government.*

Whether swayed by Wilson's arguments or not, Progressive interest in the six-year term diminished after Works' bill and similar attempts failed.

Controlling the President

While a considerable part of the support for a six-year term is inspired by the desire to protect the Presidency from too much politics, the proposal is also a part of attempts to control the Presidency, one of which succeeded with the passage of the two-term limitation in the 22nd amendment. During the 1947 hearings in Congress on the proposed 22nd amendment, six-year term supporters argued that it would only be carrying the principle of limitation to its logical conclusion by removing the reelection option altogether. Their arguments, prompted largely by Franklin Delano Roosevelt's unprecedented election to four terms, focused on power and the need to control it. President Harry Truman later deemed limitation an outright effort to disable the president.

> *You do not have to be very smart to know that an office-holder who is not eligible for reelection loses a lot of influence. So, what have you done? You have taken a man and put him in the hardest job in the world, and sent him out to fight with one hand tied behind his back, because everyone knows he cannot run for reelection.* (Testimony, Judiciary Committee, May 4, 1959)

The fear of a "lame duck" Presidency echoes the founders' concern for the independence of the President from the legislature. But in limiting the President's term, it was Congress that was gaining protection from the accumulated powers of the executive, rather than the other way around. Protection, perhaps, but not absolute control, as Senator Mike Mansfield said in rejecting the idea that a single term could debilitate a President.

> *Lameness is by no means inherent in a single term. It relates to the strength and quality of the man holding the office. If a president becomes a lame duck, it is not because of any inhibitions imposed by a single term. An unlimited number of terms would not sustain such a man.* (Testimony on single six-year term, August 26, 1973).

The Two-Term Presidency: From Tradition to Constitutional Amendment

The example of four Presidents voluntarily retiring at the end of their eighth years, and the progress of public opinion that the principle is salutary, have given it in practice the form of precedent and usage; in so much that should a president consent to be a candidate for a third election, I trust he would be rejected on this demonstration of ambitious views (Thomas Jefferson, Autobiography, 1821).

Jefferson's statement was more prescient than he might have realized, for what he suggested proved to be the case in every instance of a President seeking more than two terms until Franklin

D. Roosevelt broke with tradition. Beyond being rejected in fact, almost every third-term candidate in our history has been the target of a legislative campaign to impose a two-term restriction by Constitutional amendment. In the aftermath of Roosevelt's election to four terms, the 22nd amendment to the Constitution was passed.

It has been said that the founders felt safe in giving the executive an unrestricted reeligibility because they had George Washington in mind to fill the post and they wanted him to serve indefinitely. Reelection would

> *... enable the people, when they see reason to approve of his conduct, to continue him in the station, in order to prolong the utility of his talents and virtues, and to secure to the government, the advantage of permanency in a wise system of administration.* (Federalist #72).

Even though Washington's voluntary retirement may have been disappointing, the precedent seemed well secured in the early republic. Not until 1875 did the threat of a serious challenge to the "unwritten law" arise when Ulysses S. Grant looked with favor upon Republican talk of nominating him for a third term in office. Rumors spurred many petitions and statements against the idea, which encouraged the House to pass a resolution proposed by Illinois representative William M. Springer

> *That in the opinion of this House, the precedent established by Washington and other presidents of the United States, in retiring from the presidential office after their second term has become, by universal concurrence, a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions.*

Senator Robert LaFollette used these same words in 1928 after Theodore Roosevelt's campaign for a third (non-consecutive) term in 1912 provoked an extended period of attention to term limitation proposals.

In 1947, during the session of the first new Congress since Franklin Roosevelt's death two years earlier, the debate on presidential tenure was renewed with proposals to institute either a two-term limitation or a single six-year term. By March, the 22nd amendment had passed both Houses and was sent to the states for ratification, which was completed in 1951. Limited service, which many saw as a direct and heavily partisan backlash against Roosevelt, had become part of the Constitution.

Measures to repeal the two-term limitation were proposed as early as 1956.

The Reform Today—Freeing the President

As its long history shows, the six-year term has become one of the "perennials" of the legislative process, and is to this day

discussed frequently in Congress, state legislatures, and other public forums. Support today is based on a combination of concerns of the past: the need to have a more efficient, less corruptable administration, to protect the people from the ambitions of a powerful incumbent, and to keep the office from being subordinated to the politics of reelection. But the overriding concern of current-day proponents is to free the President and his policies from what they see as a distraction from the real business of governing. The reelection campaign has grown to such length, cost, and proportions that the President starts running again as soon as he takes office, they argue. The new cadre of election "experts" insulates the President and has entirely too much say in determining policy. What's good for the country and what's good for reelection are growing farther and farther apart, and while public expectations of the President increases, the President's ability to be a good leader declines. What six-year term supporters are saying, then, is that reelection no longer serves the function it was intended to serve: rather than making the President independent of the legislature and accountable to his constituents, it threatens to turn the executive branch into a permanent campaign headquaters.

> *My reason for favoring a single term for the president is based on my conviction that we should expect the president to foster only those programs and policies which he is convinced are in the interest of the nation as a whole—that he should have no incentive to propose and fight for measures conceived solely to enhance his chances of reelection, or merely to confound the political opposition. I have seen too often the enormous power of the federal government employed by presidents in seeking approval of ill-conceived or wasteful programs that seemingly would add temporarily to their prestige but in the long run would be detrimental to the country.* (Milton S. Eisenhower, The President Is Calling).

In response, opponents of the reform charge that "taking the President out of politics" may lead to unintended consequences.

> *It is, of course, true that we would not have had the Watergate reelection scandal if we did not have reelections. Similarly, we would not have election scandals if we did not have elections. And that extreme solution flows from the antidemocratic logic of the argument for a single six-year term.* (George Will, The Washington Post).

The National Interest

Today's debate over the six-year term shows that the fear of monarchy, of unchecked power and the suspicion of the private ambitions of public people are an ever-present part of the American political conscience. Likewise, every time the reform is discussed, the question of the national interest—what it is and who can discern it best—is raised once again.

A one-term president makes for more courageous decisions uninfluenced by reelection concerns. It will avoid the spectacle of tactics acceptable in political campaigns yet demeaning to the office of the presidency. Thus, it will exalt the office in the eyes of the people. (Leon Jaworski, Houston Chronicle, December 5, 1980).

The argument for insulating the presidency (with a single six-year term) is profoundly anti-democratic in its implication. It assumes that the president alone knows what is best for the country and that the voters are so wrong-headed and ignorant that a president should be enabled to disregard them. It assumes that the democratic process is the obstacle to wise decisions.

. . . it is hard to imagine a constitutional change more efficiently designed than the six-year presidential term to release presidents from the discipline of consent and thereby to revive the imperial presidency. (Arthur Schlesinger, Jr., The Wall Street Journal, April 7, 1981).

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RELATED REFORMS

The single six-year term has often been proposed as part of more comprehensive reform packages:

- In June, 1968, Senator Mike Mansfield proposed the following package of amendments to correct "the inequities and inadequacies of our electoral system."

> *First. Abolish both the convention system and the electoral college.*
> *Second. Extend the right to vote in primaries as well as general elections to 18-year olds.*
> *Third. Establish a nationwide primary to be held in all the states on the same day to be followed by the direct election of the president ...*
> *If the above proposals were adopted ... it would mean that the people would be able to participate fully and directly in the electoral process, from nomination to election, rather than is now the case through intermediary state delegations ... It would strengthen the presidency by forbidding reelection and would allow the president to be his own man, so to speak, throughout his entire term of office.*

- The idea of giving Congress or the people an opportunity to recall the President was discussed in relation to the six-year term in 1913. Recall would be a way of keeping the President accountable without the cost and distraction of a campaign.

- During the 1970's, in the aftermath of Watergate, measures similar to the recall were introduced in Congress to provide a way to remove the President, short of the impeachment procedures, when he had lost the capacity to lead without actually having committed an impeachable offense.

- Others regard the six-year term as the first step towards a more parliamentary system that would be achieved by lengthening House terms to three years and placing candidates for federal elections on a single ballot so that when a President was elected his party would control Congress.

ARGUMENTS FOR THE SINGLE SIX-YEAR TERM

- First-term Presidents are always looking to the next term and do not spend enough time truly leading the country. Six years could give the President enough time in office to carry out his policies in a single term, and remove the diversion and disruption caused by the campaign for reelection.

- The President would pay more attention to the national interest and less attention to political popularity in making and instituting policies. A single term would free him to make courageous decisions.

- Without the prospect of an approaching reelection campaign, the President would feel less obliged to satisfy the demands of special interest groups.

- At the advice of their political advisors, Presidents now tend to put off hard or controversial decisions until after their reelection campaign. This causes waste and inaction where we most need leadership.

- The campaign is financially and personally costly to a President and takes away from the dignity of the office. This is not in the best interest of the people.

- A six-year term would promote more consistency in foreign and economic policy because the administration would not fluctuate according to the barometer of public opinion.

- The Presidency has grown tremendously since 1787, and especially so since the New Deal. Reforming the presidential term would recognize the increased demands on the office and produce more efficient administrative leadership.

ARGUMENTS AGAINST THE SINGLE SIX-YEAR TERM

- The single six-year term would make the President an automatic lame duck.

- The need to be reelected keeps the President accountable to the people, an important check on an office that wields so much power.

- The whole idea of term limitation is anti-democratic because it restricts the right of the people to decide for themselves whether a President should be continued in office. Its supporters assume that paying attention to public opinion and what the people want is a distraction when in fact it is what self-government is all about.

- Supporters of a six-year term are trying to take the President out of politics, when politics and reelection are integral parts of effective executive leadership. Giving up reelection for the sake of efficiency would further remove the President from his constituents.

- Six years is too long for a bad President to serve and too short for a good one. The single term limitation might arbitrarily remove a good leader from office in a time of crisis.

- Reelection is not the source of the troubled Presidency, and the single six-year term is not the solution. We need better ways of attracting and nominating high-quality candidates for President.

- A single six-year term would be a step back in the direction of the "imperial Presidency".

THE PRESIDENTIAL TERM— A BRIEF LEGISLATIVE HISTORY

1826–1889

- First amendment calling for a single six-year term proposed by Representive John Hemphill of Texas.
- President Andrew Jackson called for single-term limit to "safeguard our liberties" in eight annual addresses during his two terms in office.
- The proposal was featured in many 19th century campaign platforms. Presidents Harrison, Buchanan, Johnson, Hayes and Cleveland recommended the reform which the Whig Party, and later the People's Party, included in their platforms.
- Jefferson Davis was chosen for a single six-year term as President of the Southern Confederacy

1890–1926

- 107 proposals sought to limit the President to one or two terms.
- President Taft and presidential candidate William Jennings Bryan endorsed a single six-year term, as did the Prohibition Party in 1912 and 1916.
- 1912–13 were the biggest years for the six-year term, when unprecedented legislative and public support nearly led to its passage through Congress. The Senate passed it, but it died in the House in 1913, after President Woodrow Wilson testified against it. The Democratic party included the six-year term on its 1912 platform.

1927–1963

- The reform was often proposed, but not the subject of Congressional hearings again until 1940.
- The states ratified the 22nd amendment keeping Presidents to two terms in office in 1951. The Congressional party alignment on the issue set anti-limitation Democrats against pro-limitation Republicans. Everett Dirksen led a bi-partisan coalition to press for a single six-year term amendment during the debate.
- Hearings were held in Congress on repealing the 22nd amendment in 1959.

1964–1980

- Three amendments called for a three-year presidential term.

- Senators Mike Mansfield and George Aiken led efforts to pass the six-year term starting in 1968. They succeeded in getting committee hearings in 1973.
- More than 50 amendments called for a single six-year term; ten of them were proposed in 1979.
- Presidents Johnson and Carter endorsed the change. Nixon specially referred the issue to his proposed non-partisan Commission on Federal Election Reform in 1973.

1981-1984

- As Congressional proposals continue, the issue has again attracted public attention. A 1981 Gallup poll showed 66% of the general public opposed to the six-year term and 47% of the "informed" public in favor.
- A Committee for a Single Six-Year Presidential Term, co-chaired by Griffin Bell, Milton Eisenhower, William Simon and Cyrus Vance, formed to press for a constitutional amendment.

ON THE SIX-YEAR TERM

I think, first of all, that the desire to liberate presidents from the temptations of ambition would, in fact, liberate presidents still further from the disciplines of accountability.

The great motive to the public good, which Gouvernor Morris called it, or seeking reelection, helps keep the presidents responsive.

I think that the desire to free presidents from the pressure of interest will, in fact, leave them less concerned about building consensus, leave them less responsive to the views and values of voters, and produce a less representative government. (Jeanne Kirkpatrick, *San Francisco Chronicle*, September 2, 1981)

If ineligible a second time, the president would not be independent of the people, for his responsibility would not cease; but the favor of the people would not be so necessary to him as to induce him to submit in every respect to its desires. (Alexis De Tocqueville, *Democracy in America*)

... a single term limit does not strip the voters of their rights. Rather, it offers the leader of their choice enough time and the proper environment to carry out the public's mandate. A new president barely begins to make his mark in office when virtually forced to start campaigning for a second term. By the time a president's budgetary proposals even begin to see daylight—well into the third fiscal year in office—the chief executive is inevitably transformed again into the candidate. There is certainly some gray area between these incompatible roles. But it is clear to me that, wherever the line between public and private interest is drawn, it is routinely crossed. The public interest cannot help but suffer. (Rep. Gerry E. Studds, Massachusetts)

... the attempt to move toward the single six-year term really is an attempt to take the president out of politics. And I think it is neither possible nor desirable to take the president out of politics. To ask that the presidency be above or out of politics is very similar to asking the Bishop to be out of or above religion; it is just not possible.

A president has to be a creative politician, has to be concerned with majorities, has to be concerned with the possiblilities of being reaffirmed or turned out of office. I think that is, by and large, a healthy thing. The idea of removing the presidency and trying to elect a kind of national city manager, somehow removed from and above politics, is an illusion and needs to be guarded against. (Tom Cronin)

The aim of the reform [is not] ... simply to liberate presidents from politics ... The aim of the reform is to free the Chief Executive to direct his political skills toward what he perceives to be the best interests of the nation without the chain of diversions that is created by his present need to seek renomination in at

least 34 state primaries and reelection in a mammoth campaign. These diversions now take hold so soon after the mid-term elections that we are actually electing our president to two and one-half year terms. (Charles Bartlett, letter to the editor, *The Wall Street Journal*, April 8, 1981)

... the necessity to survive politically results in a real effort to understand and respond effectively to the public's wishes, desires and sensitivities. These are very important to a chief executive in a democracy.

... No matter how wise a reflective handful of people consulting with one another and so-called experts (who often are intimidated by the strength and power of the close leadership group), they are a long way from infallible in their judgments. The process of being responsive to the public, of listening and trying to convince the public, with all of its frustrations and time-consuming as it may be, is, I think, a very healthy process—perhaps the essence of the democratic government. Accordingly, I do not support the six year, one term proposition for the President of the United States ... (Orville L. Freeman)

Do you think the president is indulging in politics when he campaigns? Today security prevents that. What does he see when he goes out? A cordon of secret service men. Whom does he talk to? Political partisans in that particular area, each with their own ax to grind. National interest is not involved.

To build a budget, to summon the people to a cause, to support a program, to get Congress to act—that takes political skills beyond the capacity of the ordinary man. It takes a kind of political judgment ... but not the wasteful energy I saw in the presidency of Lyndon Johnson, scrounging for election in 1964. (Jack Valenti)

I do not at all doubt that a single six-year term would add important dimensions of continuity and stability to the conduct of our foreign relations. Seen from the perspective of our friends and allies, as well as from the eyes of our adversaries, we seem to be vulnerable to the vagaries of a foreign policy that is always to some degree affected by the preoccupation with presidential reelection. The result of this is not only a lack of continuity and stability in our dealings abroad, but also affects domestically how we are perceived in conducting our foreign policy ... (Cyrus Vance)

Such a change in our system could definitely introduce an additional note of inflexibility and would restrict the choices available to the American people. A little mathematical exercise illustrates the point.

As our government now works, an effective president has a far better than even chance to serve for eight years [two terms], whereas an ineffective president would probably be retired at

the end of four years. The proposed shift would level out the service of both types—decreasing the effective leadership and increasing ineffective leadership by two years . . . [There is also] the distinct possibility that the single, six-year term would deny the American people the services of a man at a crucial moment when no one else was available. (George Reedy)

SUGGESTED READINGS

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